

4 MARCH 1947

I N D E X  
of  
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
353	2337		Excerpt from exhibit No. 2335 rejected, marked for identification only	17683	
548	2338		Excerpt from exhibit No. 2336 rejected, marked for identification only	17683	
314	2339		Treaty between the U. S. of America and other nations governing protection of lives of neutrals and non-combatants at sea in time of war and to prevent the use of noxious gases and chemicals in war	17684	
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# I N D E X

Of

## EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
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# I N D E X

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17755

Tuesday, 4 March 1947

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The Tribunal met, pursuant to adjournment,  
at 0930.

Appearances:

For the Tribunal, same as before.

For the Prosecution Section, same as before  
with the exception that LIEUTENANT-COLONEL THOMAS F.  
MORNANE replaces MR. JUSTICE A. J. MANSFIELD as  
Associate Prosecutor for the Commonwealth of Australia,  
and with the addition of: JUDGE JUDSON T. Y. NYE,  
Professor Soochow University Law School, Shanghai,  
China and Counsellor, Ministry of Justice, Nanking,  
formerly President of the Chungking District Court  
and Chief Prosecutor, Kiang-Tsin District Court;  
DR. DANIEL S. AO, Dean of Soochow University Law  
School and member of the Shanghai Bar; MR. HSUEH-YI  
WU, member of Legislative Yuan, Nanking, China, a



1 member of the Chinese Bar and formerly Professor  
2 of Law in the National Wu Han University, Wuchang,  
3 China; MR. ROBERT L. WILEY, member of the Bar of  
4 Chippewa Falls, Wisconsin, and former State District  
5 Attorney at that place; MR. LESTER C. DUNIGAN, member  
6 of the Bar of the City of New York and formerly Chief  
7 Assistant United States Attorney for the Southern  
8 District of New York, in charge of criminal division  
9 of that office; MR. FLOYD W. CUNNINGHAM, formerly  
10 Prosecuting Attorney for Prentiss County, Mississippi,  
11 and State District Attorney for the First Judicial  
12 District of Mississippi; MR. SMITH N. CROWE, an  
13 Assistant Attorney-General of the State of Missouri,  
14 and a member of the Kansas City, Missouri Bar; and  
15 COLONEL ROWLAND W. FIXEL, of the Judge Advocate  
16 General's Department and a member of the Michigan  
17 and District of Columbia Bars.

18 For the Defense Section, same as before.

19 The Accused:

20 All present except OKAWA, Shumei, who is  
21 represented by his counsel.  
22

23 - - -

24 (English to Japanese and Japanese  
25 to English interpretation was made by the  
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 MR. TAVENNER: If the Tribunal please, I  
4 am pleased to announce at this time that Lieut. Col.  
5 Thomas F. Mornane has been elevated by the action of  
6 his government to the position of Associate Prose-  
7 cutor for Australia, in the place of Justice Mansfield  
8 who returned to Australia to resume his legal duties  
9 there.

10 I would like at this time to present to the  
11 Tribunal other attorneys who have been recently added  
12 to our staff, in the order of their arrival here.  
13 They are:

14 Judge Judson T. Y. Nye, Professor Soochow  
15 University Law School, Shanghai, China and Counsellor,  
16 Ministry of Justice, Nanking, formerly President of  
17 the Chungking District Court and Chief Prosecutor,  
18 Kiang-Tsin District Court.

19 Dr. Daniel S. Ao, Dean of Soochow University  
20 Law School and member of the Shanghai bar.

21 Mr. Hsueh-Yi Wu, member of Legislative Yuan,  
22 Nanking, China, a member of the Chinese bar and  
23 formerly Professor of Law in the National Wu Han  
24 University, Wuchang, China.

25 Mr. Robert L. Wiley, member of the bar of

1 Chippewa Falls, Wisconsin, and former State District  
2 Attorney at that place.

3 Mr. Lester C. Dunigan, member of the bar of  
4 the City of New York and formerly Chief Assistant  
5 United States Attorney for the Southern District of  
6 New York, in charge of the criminal division of that  
7 office.

8 Mr. Floyd W. Cunningham, formerly Prosecuting  
9 Attorney for Prentiss County, Mississippi, and State  
10 District Attorney for the First Judicial District of  
11 Mississippi.

12 Mr. Smith N. Crowe, an Assistant Attorney  
13 General of the State of Missouri, and a member of the  
14 Kansas City, Missouri bar. I intended to state  
15 formerly an Assistant Attorney General.

16 Colonel Rowland W. Fixel, of the Judge  
17 Advocate General's Department, and a member of the  
18 Michigan and District of Columbia bars.

19 THE PRESIDENT: By a majority the Tribunal  
20 have decided to reject as evidence the League of  
21 Nations -- the United Nations charter, called the  
22 San Francisco charter, and the Lansing-Scott report.  
23 Those two documents may be tendered for identification  
24 only.

25 MR. BLAKENEY: In connection with defense



1 document No. 353, the report of the commission at  
2 Versailles, which has been marked for identification  
3 exhibit 2335, I offer in evidence the excerpt bear-  
4 ing the same defense document number and covered by  
5 the Tribunal's ruling.

6 THE PRESIDENT: Rejected, but to be marked  
7 for identification only.

8 CLERK OF THE COURT: Defense document, the  
9 excerpt from document 353, and bearing the same  
10 number, will receive exhibit No. 2337 for identifica-  
11 tion only.

12 (Whereupon, the document above  
13 referred to was marked defense exhibit No.  
14 2337 for identification.)

15 MR. BLAKENEY: And in connection with exhibit  
16 for identification 2336, being the charter of the  
17 United Nations, defense document 548, it also is  
18 offered in evidence.

19 THE PRESIDENT: Rejected, but to be marked  
20 for identification only.

21 CLERK OF THE COURT: The excerpt from  
22 defense document No. 548 and bearing the same document  
23 number, will receive exhibit No. 2338 for identifica-  
24 tion only.  
25

(Whereupon, the document above

1 referred to was marked defense exhibit  
2 No. 2338 for identification.)

3 MR. BLAKENEY: Next I wish to tender for  
4 identification defense document No. 314, being a  
5 treaty between the United States of America and other  
6 nations governing protection of lives of neutrals and  
7 noncombatants at sea in time of war and to prevent  
8 the use in war of noxious gases and chemicals.

9 CLERK OF THE COURT: Defense document No.  
10 314 will receive exhibit No. 2339 for identification  
11 only.

12 (Whereupon, the document above  
13 referred to was marked defense exhibit No.  
14 2339 for identification.)

15 MR. BLAKENEY: Inasmuch as it is perhaps  
16 not clear whether this document is covered by the  
17 previous ruling, perhaps I had better state briefly  
18 the purpose of its tender.

19 This is a treaty executed by the Powers par-  
20 ticipating in the Washington Conference of 1921-1922,  
21 which attempts to state a principle of individual  
22 criminal responsibility for its violation. As will  
23 be disclosed by further evidence, it was never ratified  
24 by the necessary number of signatories nor was it ever  
25 adhered to by other nations.

1 THE PRESIDENT: It is fully referred to in  
2 all text books on international law relating to war.

3 MR. TAVENNER: Possibly the Tribunal meant  
4 to rule on it by the statement you have just made?

5 THE PRESIDENT: No. We want an objection  
6 before we rule.

7 MR. TAVENNER: My purpose in arising was to ob-  
8 ject on-- due to the fact that it is covered by the  
9 ruling as made yesterday.

10 THE PRESIDENT: Well, I still haven't the  
11 United States Supreme Court Report on the Paquata  
12 Habana case, but I have a full reference to what Mr.  
13 Justice Gray said. It is only a couple of lines:

14 (Reading): "Where there is no treaty and no  
15 controlling executive or legislative act or judicial  
16 decision, resort must be had to the customs and usages  
17 of civilized nations and as evidence of these to the  
18 works of jurists and commentators who, by years of  
19 labor, research and experience, have made themselves  
20 peculiarly well acquainted with the subjects of which  
21 they treat."

22 Well, the majority of the Tribunal think  
23 that this document should be admitted. It is admitted  
24 on the usual terms.

25 MR. BLAKENEY: From exhibit 2339 I read from

1 THE PRESIDENT: It is fully referred to in  
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15 controlling executive or legislative act or judicial  
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17 of civilized nations and as evidence of these to the  
18 works of jurists and commentators who, by years of  
19 labor, research and experience, have made themselves  
20 peculiarly well acquainted with the subjects of which  
21 they treat."

22 Well, the majority of the Tribunal think  
23 that this document should be admitted. It is admitted  
24 on the usual terms.

25 MR. BLAKENEY: From exhibit 2339 I read from



page 3, Article III relative to our point.

1           Article III. (Reading) "The Signatory Powers,  
2           desiring to insure the enforcement of the humane rules  
3           of existing law declared by them with respect to attacks  
4           upon and the seizure and destruction of merchant ships,  
5           further declare that any person in the service of any  
6           Power who shall violate any of those rules, whether or  
7           not such person is under orders of a governmental superior,  
8           shall be deemed to have violated the laws of war and  
9           shall be liable to trial and punishment as if for an  
10          act of piracy and may be brought to trial before the  
11          civil or military authorities of any Power within the  
12          jurisdiction of which he may be found."

13           I now offer in evidence -- I am sorry, there  
14          seems to be some question about the exhibit number of  
15          the last item.

16           CLERK OF THE COURT: To avoid confusion,  
17          the extract from defense document No. 314, to wit,  
18          Treaties, Conventions, International Acts, Protocols,  
19          from 1910 to 1923, of the U.S., which also bears  
20          defense document No. 314, and is a treaty between the  
21          United States of America, 1922, and the British Empire,  
22          et cetera, will receive exhibit No. 2339-A, and is  
23          marked admitted, according to order of the Court.

24                       ("Hereupon, Article III, extract from  
25

page 3, Article III relative to our point.

1           Article III. (Reading) "The Signatory Powers,  
2 desiring to insure the enforcement of the humane rules  
3 of existing law declared by them with respect to attacks  
4 upon and the seizure and destruction of merchant ships,  
5 further declare that any person in the service of any  
6 Power who shall violate any of those rules, whether or  
7 not such person is under orders of a governmental superior,  
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20 defense document No. 314, and is a treaty between the  
21 United States of America, 1922, and the British Empire,  
22 et cetera, will receive exhibit No. 2339-A, and is  
23 marked admitted, according to order of the Court.

24           (Thereupon, Article III, extract from  
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1 defense exhibit No. 2339, was marked  
2 defense exhibit No. 2339-A and received  
3 in evidence.)  
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1 MR. BLAKENEY: Defense document No. 549, the  
2 affidavit of Hayashi Kaoru, Chief of the Archives Section  
3 of the Foreign Ministry, is offered in evidence to prove  
4 that, despite Article VII, requiring that all powers be  
5 invited to adhere, the treaty on submarine warfare was  
6 never ratified by any power except four of the five  
7 signatories, and therefore by its terms never came into  
8 effect. I offer the document in evidence.

9 THE PRESIDENT: It is really part of the last  
10 document admitted, isn't it?

11 Admitted on the usual terms.

12 CLERK OF THE COURT: Defense document No. 549  
13 will receive exhibit No. 2340.

14 (Whereupon, the document above re-  
15 ferred to was marked defense exhibit No. 549  
16 and received in evidence.)

17 MR. BLAKENEY: I read the affidavit:

18 "Hayashi KAORU, being first duly sworn according  
19 to the formalities prevailing in Japan, upon oath deposes  
20 and says:

21 "That I am Chief of the Archives Section of the  
22 Japanese Foreign Ministry.

23 "That the Archives Section has custody of all  
24 treaties and ratifications thereof to which Japan is a  
25 party;



1 "That the treaty entitled TREATY BETWEEN THE  
2 FIVE POWERS CONCERNING THE USE OF SUBMARINES AND NOXIOUS  
3 GASES IN TIME OF WAR, signed at Washington on the 6th  
4 of February, 1922, is on deposit in the Archives Section;

5 "That notice has been received from the Depart-  
6 ment of State of the United States of America, the official  
7 depository of ratifications of this treaty, of the  
8 ratification thereof by the following countries:

9 "The United States of America,

10 "The British Empire,

11 "Italy,

12 "Japan.

13 "Dated at Tokyo on this 20th day of February,  
14 1947.

15 "K. Hayashi"

16 This effort at international agreement to  
17 imposition of individual responsibility for treaty violations  
18 was followed by the most elaborate of all such attempts,  
19 that of the 23rd Inter-Parliamentary Conference, held  
20 at Bucharest in 1925. The report of this group, published  
21 by the Rumanian State Printing Office as "The Criminality  
22 of Wars of Aggression and the Organization of International  
23 Repressive Measures", defense document No. 115, is offered  
24 in evidence, and the Tribunal is requested to take judicial  
25 notice that it was never adopted by any nation or

1 organization of nations.

2 THE PRESIDENT: Mr. Tavenner.

3 MR. TAVENNER: Objection is made, your Honor,  
4 to the introduction of this document on the ground that  
5 it is a matter that relates to legal argument. It is  
6 not a matter that should be presented to the Tribunal  
7 now in the form of evidence.

8 THE PRESIDENT: It is not a treaty, a controlling  
9 executive or legislative act or a judicial decision.

10 MR. TAVENNER: That is right.

11 THE PRESIDENT: Just opinions of a body of  
12 lawyers, not necessarily experts recognized as such.

13 MR. BLAKENEY: An official group representing  
14 the parliaments of their nations.

15 May I point out that the Inter-Parliamentary  
16 Group or Conference consists of officials, that is,  
17 members of the parliaments of the several nations  
18 represented.

19 THE PRESIDENT: The objection is upheld. We  
20 have no doubt, Major Blakeney, you will adopt the  
21 argument that those gentlemen have made for you. That  
22 is sufficient.

23 MR. BLAKENEY: Just for the sake of avoiding  
24 any misunderstanding, when we come later to use this  
25 type of material and argument, possibly I should point

1 out that using the argument of this group is exactly  
2 what we do not propose to do. What we had proposed  
3 was to show that despite the making of these arguments  
4 and the presenting of them to the government they were  
5 not adopted.

6 THE PRESIDENT: The document is rejected,  
7 but will be marked for identification only.

8 CLERK OF THE COURT: Defense document No. 115  
9 will receive exhibit No. 2341 for identification only,  
10 and the excerpt therefrom, bearing the same document  
11 number, will receive exhibit No. 2341-A for identifi-  
12 cation only.

13 (Whereupon, the document above re-  
14 ferred to was marked defense exhibit No. 2341  
15 for identification; the excerpt therefrom being  
16 marked defense exhibit No. 2341-A for identi-  
17 fication.)

18 MR. BLAKENEY: With reference specifically to  
19 the Pact of Paris, we have the so-called Budapest Articles  
20 of Interpretation, drafted by the Thirty-Eighth Conference  
21 of the International Law Association in 1934. I now  
22 offer for identification the American Journal of  
23 International Law for October 1939, defense document  
24 No. 551.

25 THE PRESIDENT: Mr. Tavenner.



1 MR. TAVENNER: If your Honor please, we desire  
2 to offer the same objection to the introduction of this  
3 document. It is a matter which may well be alluded  
4 to in argument at the time these matters are argued  
5 as questions of law.

6 THE PRESIDENT: Of course, the executive or  
7 legislative act relied upon is the rejection of these  
8 documents. All of these things are dealt with in the  
9 works of recognized authorities which we use freely  
10 and which we are entitled to use.

11 MR. BLAKENEY: The Tribunal will remember that  
12 I stated earlier that owing to our uncertainty whether  
13 they be used in that way, we were tendering them. Of  
14 course, if they will be treated as recognized authorities  
15 we are quite content.

16 THE PRESIDENT: To admit them would only be to  
17 waste time and add unnecessarily to the size of the  
18 record. They could well be rejected as cumulative or  
19 repetitive. Why have this mass of material read or  
20 included in the record without reading it if its only  
21 purpose is to show that it was rejected by the legislatures  
22 or the executives of the world? The objection is  
23 upheld. The document is rejected, but may be marked  
24 for identification only.

25 CLERK OF THE COURT: Defense document No. 551

will receive exhibit No. 2342 for identification only.

1 MR. BLAKENEY: And although I didn't specially  
2 tender it, the excerpt therefrom, I take it, shall be  
3 numbered although rejected.

4 CLERK OF THE COURT: And the excerpt therefrom,  
5 bearing the same document number will receive exhibit  
6 No. 2342-A.

7 (Whereupon, the document above re-  
8 ferred to was marked defense exhibit No.  
9 2342 for identification; the excerpt there-  
10 from being marked defense exhibit No. 2342-A  
11 for identification.)  
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1 MR. BLAKENEY: Finally, as my last point --  
2 Language Section, I am in the middle of page 7 --  
3 I turn to evidence of a specific aspect of the prob-  
4 lem of responsibility of individuals for acts on the  
5 international plane: the question of the legal ef-  
6 fects of killing in war. On this point evidence of  
7 various types exists to compel the conclusion that  
8 such killing has never been regarded as murder. Here,  
9 as elsewhere, it is the conduct and contentions of  
10 the nations which sheds the most light on the ques-  
11 tion. I, therefore, offer in evidence defense docu-  
12 ment No. 536, being an excerpt from Foreign Relations  
13 of the United States, Japan, 1931-1941, prosecution  
14 exhibit 58, volume 1, pages 523-24, to prove that in  
15 the case of the sinking of the Panay the United States  
16 did not regard the killing of its nationals as murder.

17  
18 MR. T. VEMMER: I would like to reply, your  
19 Honor, to the comment by counsel. I think the docu-  
20 ment speaks for itself. We do not think it goes to  
21 the extent that counsel has cited.

22 THE PRESIDENT: In the absence of any ob-  
23 jection, it is admitted on the usual terms.

24 CLERK OF THE COURT: Defense document No.  
25 536 will receive exhibit No. 2343.

(Whereupon, the document above

1 referred to was marked defense exhibit No.  
2 2343 and received in evidence.)

3 MR. BLAKENEY: The excerpt is a telegram  
4 from the Secretary of State to the Ambassador in  
5 Japan stating the requirements for settlement of the  
6 incident. I shall read excerpts as follows from the  
7 beginning:

8 "Washington, December 13, 1937 -- 8 p.m.

9 "342. Please communicate promptly to HIROTA  
10 a note as follows:

11 "'The Government and people of the United  
12 States have been deeply shocked by the facts of the  
13 bombardment and sinking of the U.S.S. Panay and the  
14 sinking or burning of the American steamers Meiping,  
15 Meian and Meisian (Meishia) by Japanese aircraft,"

16 I drop down to the fourth line from the  
17 bottom of the page:

18 "'In the present case, acts of Japanese armed  
19 forces have taken place in complete disregard of  
20 American rights, have taken American life, and have  
21 destroyed American property both public and private.

22 "'In these circumstances, the Government of  
23 the United States requests and expects of the Japanese  
24 Government a formally recorded expression of regret,  
25 an undertaking to make complete and comprehensive



1 indemnifications, and an assurance that definite  
2 and specific steps have been taken which will ensure  
3 that hereafter American nationals, interests and  
4 property in China will not be subjected to attack  
5 by Japanese armed forces or unlawful interference by  
6 any Japanese authorities or forces whatsoever."

7 THE PRESIDENT: On what part do you rely to  
8 show that the United States did not regard those  
9 killings as murders?

10 MR. BLAKENEY: I rely upon the fact that,  
11 in stating its conditions for settlement, the United  
12 States never demanded or required that the individuals  
13 be punished criminally.

14 THE PRESIDENT: The document is consistent  
15 with either view.

16 MR. BLAKENEY: Similar examples might be  
17 multiplied; but, since it has already been mentioned  
18 in evidence, I shall refer to only one more, the  
19 Ladybird case, and I refer, without reading from it,  
20 to prosecution exhibit 954C, a note delivered by the  
21 British Ambassador to the Japanese Foreign Minister  
22 on the subject of attack on British vessels. Here,  
23 also, there is no suggestion that prosecution for  
24 murder should be among the measures adopted by the  
25 offending nation.

1           That killing in war is not murder is so  
2 axiomatic that academicians and text-writers usually  
3 take it for granted. As representative of the state-  
4 ments of the law by those who do touch upon it, I  
5 offer in evidence an excerpt from A Treatise on Inter-  
6 national Law by William Edward Hall, defense document  
7 No. 550.

8           THE PRESIDENT: It is sufficient to refer to  
9 the authority without arguing. The same applies to  
10 any other excerpt from a recognized authority that  
11 you may propose to tender.

12           are you pressing that excerpt and similar  
13 excerpts from recognized authorities?

14           MR. BLAKENEY: I had two of them prepared  
15 on this point, and under the President's ruling of  
16 yesterday and today I assumed it was the correct  
17 method of procedure.

18           THE PRESIDENT: You can always read from  
19 the works of those authorities at the appropriate  
20 stage.

21           MR. BLAKENEY: In that case, I shall not  
22 press for the admission of these documents.

23           That concludes my presentation at this part  
24 of the case. Mr. Blewett will follow with evidence  
25 on other points.

1 THE PRESIDENT: Mr. Smith.

2 MR. SMITH: May I ask your Honor to allow  
3 Mr. HIROTA an exception to each of the documents which  
4 were rejected this morning?

5 THE PRESIDENT: The exceptions are granted.  
6 Mr. Blewett.

7 MR. BLAKENEY: May I at this time ask leave  
8 for the withdrawal on the usual terms of the original  
9 documents from which excerpts have been introduced or  
10 offered? That is to say, the bound volumes of news-  
11 papers, the textbooks and the law journals which have  
12 been filed with the Clerk.

13 THE PRESIDENT: The application is granted  
14 on the usual terms.

15 MR. BLEWETT: If your Honors please, we shall  
16 now treat of subdivision 3 of division 1. The defense  
17 will now offer evidence to the Tribunal, as outlined  
18 in the opening statement, pertaining to division 1 to  
19 prove that these accused did not and could not, under  
20 the existing circumstances, conspire to plan and wage  
21 aggressive wars or, as a group, formulate a plan to  
22 control, dominate and direct the internal and foreign  
23 policies of Japan toward the domination and exploita-  
24 tion of other peoples in the world. In order to  
25 accomplish the purposes charged in the Indictment,



1 these defendants would necessarily have had to con-  
2 trol and dominate the cabinet of the nation over a  
3 long, continuous period of time.

4 We offer in evidence, conditionally, defense  
5 document 635 which is a chart showing the composition  
6 of every cabinet from 1928 to 1945 for the conven-  
7 ience of the Members of the Tribunal. This compre-  
8 hensive chart was made up from official records and  
9 is authentic.

10 My purpose in offering it conditionally, sir,  
11 is that a certificate will be produced later certify-  
12 ing that the chart was made up from official Japanese  
13 records. It is apparent, of course, your Honor, that  
14 the names of the accused are in darker type.

15 THE PRESIDENT: It appears to be a very use-  
16 ful document. Admitted on the usual terms.

17 CLERK OF THE COURT: Defense document No.  
18 635 will receive exhibit No. 2344.

19 (Whereupon, the document above re-  
20 ferred to was marked defense exhibit No.  
21 2344 and received in evidence.)

22 MR. BLEWETT: We respectfully direct the  
23 attention of the Tribunal to the fact that, during  
24 the period covered by the Indictment, seventeen  
25 separate cabinets rose and fell in Japan. We also

1 point out from the chart that not one of these  
2 accused was a member of any cabinet until April 14,  
3 1931, and then but a single one of them.

4 From this chart and from prosecution exhibit  
5 102 we submit as worthy of notice the number of per-  
6 sons occupying important cabinet posts during that  
7 period:

8 Prime Minister, 21;

9 Foreign Minister, 30;

10 Home Minister, 28;

11 Finance, 23;

12 War Minister, 19;

13 Navy Minister, 15;

14 Justice Minister, 17;

15 Education, 27;

16 and the numerous changes in other cabinet  
17 posts were equally as great.

18 If the Court please, we shall, from prose-  
19 cution exhibits 103 to 129 and from the chart, show  
20 the participation of all the accused in these  
21 cabinets. We sincerely believe it would be helpful  
22 to the Tribunal in a fair presentation on behalf of  
23 the accused.  
24  
25

1            ARAKI: Minister of War - INUKAI and SAITO  
2 Cabinets, December 1931 to July 1934; Education  
3 Minister in the KONOYE and HIRANUMA Cabinets, May  
4 1938.

5            DOHIHARA, none. HASHIMOTO, none  
6            HATA: War Minister in the ABE Cabinet,  
7 August 1939 to January 1940.

8            HIRANUMA: Prime Minister, January to August  
9 1939; Minister without Portfolio in the KONOYE Cabinet  
10 and Home Minister, July 1940 - October 1941.

11           HIROTA: Foreign Minister, September 1933  
12 until July 1934 under SAITO: Foreign Minister under  
13 OKADA, July 1934 - March 1936. Prime Minister and  
14 Foreign Minister, March 1936 - February 1937. Foreign  
15 Minister under KONOYE, June 1937 - May, 1938.

16           HOSHINO: Minister without Portfolio in the  
17 KONOYE Cabinet, July 1940 to April 1941, and Minister  
18 of State in the TOJO Cabinet, October 1941 - July 1944.

19           ITAGAKI: War Minister in the KONOYE and  
20 HIRANUMA Cabinets, June 1938 - August 1939.

21           KAYA: Finance Minister in the KONOYE Cabinet,  
22 June 1937 to May 1938; Finance Minister in the TOJO  
23 Cabinet, June 1941 - February 1944.

24           KIDO: Minister of Education in the KONOYE  
25 Cabinet, October 22, 1937; Welfare Minister under



1 KONOYE, 1938, and Home Minister under HIRANUMA,  
2 August 3, 1939.

3 KIMURA, none.

4 KOISO: Overseas Minister in the HIRANUMA  
5 Cabinet, April 7, 1938 to August 30, 1939; Overseas  
6 Minister in the YONAI Cabinet, January 16, 1940 -  
7 July 22, 1940; Prime Minister, July 1944 - April 1945.

8 MATSUI was in no cabinet.

9 MINAMI was War Minister in the WAKATSUKI  
10 Cabinet, April 1931 to December 1931.

11 MUTO was never a member of a cabinet. OKA was  
12 never a cabinet officer. OKAWA was in no cabinet.  
13 OSHIMA never served in a cabinet. SATO was in no  
14 cabinet.

15 SHIGEMITSU was Foreign Minister under TOJO,  
16 April 1943 - July 1944; also Foreign Minister and  
17 Minister for Greater East Asia in the KOISO Cabinet,  
18 July 1944 - April 1945.

19 SHIMADA was Navy Minister in the TOJO Cabinet  
20 in October 1941.

21 SHIRATORI served in no cabinet.

22 SUZUKI: Minister without Portfolio, April  
23 1941 to October 1943 in the KONOYE and TOJO Cabinets.

24 TOGO: Foreign Minister in the TOJO Cabinet  
25 and Minister for Overseas Affairs, October 1941 until

1 March 1942.

2 TOJO was War Minister in the KONOYE Cabinet  
3 in July 1940; Prime Minister and War Minister in his  
4 own cabinet in December 1941 until July 1944.

5 UMEZU was in no cabinet.

6 THE PRESIDENT: I remind you they are charged  
7 with conspiring among themselves and with others and  
8 the others may have been in the cabinet also.

9 MR. BLEWETT: If the Court please, my  
10 recollection, sir, is that the prosecution has never  
11 mentioned any of those other diverse persons or --

12 THE PRESIDENT: To name them would be to  
13 accuse them -- indict them. However, that is some-  
14 thing you may be able to meet later.

15 MR. BLEWETT: If your Honor please, I think  
16 there may be some corrections on this chart. I am not  
17 certain.

18 MR. FURNESS: I would like to point out that  
19 the chart shows that the defendant SHIGEMITSU was  
20 Foreign Minister 17 August 1945, and that exhibit 123  
21 shows that he resigned as Foreign Minister on August  
22 29, 1945, which was subsequent to the surrender.

23 THE PRESIDENT: Major Blakeney.

24 MR. BLAKENFY: For the sake of completeness  
25 I should like to point out that the dates given for

1 the defendant TOGO as Overseas Minister are correct,  
2 but that he served as Foreign Minister from October  
3 1941 to September 1942 as is shown by evidence in  
4 the case and from April to August 19, 1945 as is shown  
5 by the chart itself.

6 THE PRESIDENT: Does this chart contradict  
7 the prosecution's particulars in any way?

8 MR. TAVENNER: Your Honor, we haven't had  
9 the chart long enough to compare it with the documents  
10 which would tend to establish it.

11 MR. BLEWETT: I suggest, if your Honor please,  
12 if there are any corrections to be made I shall  
13 obtain the exact information and supplement that  
14 later.

15 MR. TAVENNER: I may add that the document  
16 has not been served on us for twenty-four hours but  
17 we haven't raised the question. However, we are  
18 handicapped in making any examination of it.

19 MR. SMITH: If your Honor please, if any  
20 member of any cabinet in Japan between 1928 and 1945  
21 is among those diverse unknown persons, we now call  
22 upon the prosecution to tell us which members of those  
23 cabinets are among such category or persons so that  
24 we can defend this case.

25 MR. TAVENNER: Your Honor, I think that



1 the defendant TOGO as Overseas Minister are correct,  
2 but that he served as Foreign Minister from October  
3 1941 to September 1942 as is shown by evidence in  
4 the case and from April to August 19, 1945 as is shown  
5 by the chart itself.

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7 the prosecution's particulars in any way?

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9 the chart long enough to compare it with the documents  
10 which would tend to establish it.

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12 if there are any corrections to be made I shall  
13 obtain the exact information and supplement that  
14 later.

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16 has not been served on us for twenty-four hours but  
17 we haven't raised the question. However, we are  
18 handicapped in making any examination of it.

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20 member of any cabinet in Japan between 1928 and 1945  
21 is among those diverse unknown persons, we now call  
22 upon the prosecution to tell us which members of those  
23 cabinets are among such category or persons so that  
24 we can defend this case.

25 MR. TAVENNER: Your Honor, I think that



1 question is answered by looking at the evidence that  
2 has been introduced by the prosecution.

3 THE PRESIDENT: We have dealt with particu-  
4 lars already in chambers.

5 MR. TAKANO: Mr. President, I am defense  
6 counsel for the accused KAYA. May I make a correction  
7 regarding the dates on which the accused assumed his  
8 position in the cabinet and resigned therefrom? I  
9 am told that on the second occasion on which he  
10 assumed this post, he became Finance Minister from  
11 June 1941, according to Mr. Blewett, but this is a  
12 palpable mistake and the accused KAYA became Finance  
13 Minister on October 18, 1941 when the TOJO Cabinet  
14 was formed.

15 THE MONITOR: KAYA became Finance Minister  
16 for the second time on so and so. The rest is correct.

17 MR. TAKANO: I would also like to avail my-  
18 self of this opportunity to make a correction concerning  
19 Appendix E of the Indictment where it is also stated  
20 that KAYA became Finance Minister in June 1941.

21 Although I am not aware of the exact steps to be taken  
22 I hope the prosecution will make the required correc-  
23 tions. Thank you, sir.

24 MR. FUJII: I am defense counsel for the  
25 accused HOSHINO, Naoki. Mr. Blewett stated that

1 HOSHINO was Minister of State in the TOJO Cabinet.

2 HOSHINO was never Minister of State in the TOJO Cabinet.

3 Thank you, sir.

4 THE PRESIDENT: Major Furness.

5 MR. FURNESS: If the Court please, I would  
6 like to correct the statement that I made. I said that  
7 exhibit 123 showed that the defendant SHIGEMITSU  
8 resigned on August 29, subsequent to the surrender.  
9 Exhibit 23 shows that he resigned on September 17,  
10 1945, which was subsequent to the surrender which, I  
11 think, was on September 8, 1945.

12 THE PRESIDENT: Steps should be taken by the  
13 defense to avoid having to make these corrections in  
14 court. Too much time is devoted to them. The  
15 position is aggravated when you have corrections  
16 corrected.

17 MR. BLEWETT: If your Honor please, most of  
18 the information obtained for the chart and for my  
19 records were from the prosecution exhibits so I had  
20 to depend upon them, sir.

21 THE PRESIDENT: Well, we invite the cooper-  
22 ation of the defense in this matter. We are getting  
23 it in all others.

24 MR. BLEWETT: Yes, sir. We respectfully  
25 ask the Members of the Tribunal to note from the



1 chart the number of accused in each cabinet during the  
2 periods emphasized by the prosecution in connection  
3 with an alleged conspiracy. On September 18, 1931,  
4 there was but one of the accused in the WAKATSUKI  
5 Cabinet. On July 7, 1937, only two of the accused  
6 were in the KONOYE Cabinet, HIROTA and KAYA. It is  
7 shown by prosecution exhibit 102 the exact dates on  
8 which the other accused shown on the chart assumed  
9 office, which was subsequent to that date. On  
10 December 7, 1941, there were five of the accused in  
11 the TOJO Cabinet, one a Minister without Portfolio.

12 In view of the evidence submitted by the  
13 prosecution, we also refer your honorable Court to the  
14 fact that from prosecution exhibits 103 to 129 the  
15 following accused only occupied the posts of Chief of  
16 the Army General Staff and Chief of the Navy General  
17 Staff during the period covered by the Indictment.

18 THE PRESIDENT: We will hear the names after  
19 the recess, Mr. Blewett. We will recess for fifteen  
20 minutes.

21 (Whereupon, at 1045, a recess was  
22 taken until 1100, after which the proceedings  
23 were resumed as follows:)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Blewett.

4 MR. BLEWETT: Mr. President and Members of  
5 the Tribunal, I want to be quite specific. This  
6 chart is absolutely correct and authentic and can  
7 be relied upon. It shows the dates on which the  
8 various cabinets were formed, but if you will note  
9 you will see two or three names in several cabinets  
10 and I am sure you all realize that that means a  
11 change, of course. For example, No. 39, the cabinet  
12 of July 22, 1940, HIRANUMA was listed as Home Minister.  
13 Of course, the cabinet begun on July 22, YASUI was  
14 the first Home Minister and he was succeeded by  
15 HIRANUMA later.

16 The records that I read separately as to  
17 the exact dates that the ministers were occupying  
18 these posts were obtained from the prosecution  
19 document. All the accused at the proper time, if  
20 there is any mistake about the exact dates at which  
21 they were in these cabinets, can be explained at that  
22 time.

23 THE PRESIDENT: If the corrections are to  
24 be made in court it does not matter when they are made.  
25 We will still lose time but why make them in court?

OKADA, T.

DIRECT

1 MR. BLEWETT: I think, sir, an agreement  
2 may be reached between defense and prosecution as to  
3 the exact dates. What I want to emphasize, sir, is  
4 the fact that this chart is absolutely correct and  
5 shows the dates on which the inception of the cabinet  
6 took place and the members.

7 The General Staff: Army - TOJO, 1944.

8 Army - UMEZU, July 1944 to 1945.

9 Navy - NAGANO, April 1941 to February  
10 1944 (Deceased).

11 SHIMADA, February to July 1944.

12 We shall now call the witness OKADA,  
13 Tadahiko.

14 - - -

15 T A D A H I K O O K A D A, called as a witness  
16 on behalf of the defense, being first duly sworn,  
17 testified through Japanese interpreters as follows:

18 THE PRESIDENT: On whose behalf is he being  
19 called, Mr. Blewett?

20 MR. BLEWETT: The witness is being called,  
21 sir, in division one, general phase.

22 I understand, sir, the decision has not  
23 quite been formulated as to the process of examining  
24 the witnesses. The testimony, sir, will follow along  
25 with the charts, and so on, and be of general

OKADA, T.

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1 information, I think, to both the Tribunal and  
2 prosecution and defense counsel.

3 THE PRESIDENT: He is a witness for the  
4 accused TOJO, in any event, Mr. Blewett. For the  
5 time being we do not want to know any more.

## DIRECT EXAMINATION

6 BY MR. BLEWETT:

7 Q Where were you born and when?

8 A I was born in Okayama City, Okayama  
9 Prefecture, in March 1878.

10 Q What was your education, briefly?

11 A I went from middle school to a higher  
12 school and finally graduated from the law department  
13 of Tokyo Imperial University.

14 Q What has been your experience in public life?

15 A I shall state my personal history as briefly  
16 as possible. After graduating from college in 1903  
17 I was employed by the government railways for two  
18 years and was then transferred to the Home Ministry.  
19 In the Home Ministry I held various positions, both  
20 in the head office and in local offices, and I was  
21 also governor of three prefectures. Finally after  
22 leaving the Home Ministry I became chief deputy mayor  
23 of Tokyo City and during the absence -- in the absence  
24 of a mayor I became acting mayor. In 1924 I was  
25



OKADA, T.

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1 elected to the House of Representatives and after  
2 serving in that house for twenty-four years I  
3 resigned in 1946. I was vice-president from --  
4 I was vice-speaker of the House from 1922 to 1923  
5 and speaker of the House from 1932 to 1940.

6 THE MONITOR: '45.

7 In April 1945 when the SUZUKI cabinet was  
8 formed I became Welfare Minister and in August of  
9 the same year immediately after the end of the war  
10 when the cabinet resigned I resigned also.

11 Q As speaker of the House of Representatives  
12 in Japan, have you or not had some experience with  
13 political parties?

14 A In the beginning there was a political party  
15 known as the Chuseikai. When I was elected to the  
16 House of Representatives I was a member of that party  
17 but later I joined the Seiyukai.

18 Q What are the relations between the cabinet  
19 on the one hand and parties and parliamentary powers  
20 on the other in Japan?

21 A From 1890 when the Diet was first established  
22 to 1898 the relation of the government to the Diet  
23 was that of a super-Diet government; that is to say,  
24 no members of the Diet were among the cabinet members --  
25 no members of political parties were in the cabinet --  
correction.

1 Q What changes have taken place since 1898?

2 A From 1890 to 1898 political parties gradually  
3 gained in power, and in 1898 the ITAGAKI-OKUMA Coali-  
4 tion Cabinet was formed, and this cabinet was formed  
5 by the coalescing of the liberal and progressive  
6 parties, which formed a new party called the Kenseikai.

7 Q What was the situation subsequent to that  
8 period?

9 A The ITAGAKI-OKUMA Coalition Cabinet fell  
10 in four months. After this period super-party  
11 cabinets continued for several years. In 1900  
12 Prince ITO formed the Seiyukai and formed a party  
13 cabinet, but this cabinet also fell within a few months,  
14 and after this super-party cabinets continued until  
15 1918, when HARA, Kei formed a cabinet composed of  
16 members of his party, the Seiyukai. From this time  
17 up to 1932, when the INUKAI Cabinet fell owing to  
18 Premier INUKAI's assassination, party cabinets rose  
19 and fell composed either of the Seiyukai or of the  
20 Minseito. After the fall of the INUKAI Cabinet  
21 SAITO, Minoru formed a cabinet, but he belonged to  
22 no party. This form of no-party cabinet continued  
23 until TOJO's Cabinet. During this period there were  
24 approximately eleven cabinets. These cabinets,  
25 although they were not party cabinets, were quite

OKADA, T.

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1 different from the super-party cabinets of the  
2 Meiji Era in that the proposed Premier, when he  
3 intended to form a cabinet, would first seek **for**  
4 help from the leaders of the various political  
5 parties.

6 THE MONITOR: And requested party members  
7 to join the cabinet.

8 The leaders of these parties would ask  
9 the Premier -- the intended Premier -- if he would  
10 agree to the policies of their parties, and if the  
11 intended Premier agreed to adopt the policies of  
12 these parties as part of the government platform  
13 then they would agree to join his cabinet. As soon  
14 as these discussions were over, were satisfactorily  
15 concluded, the parties would send influential members  
16 of their parties to join the cabinet. An example of  
17 this can be found in the following: TAKAHASHI,  
18 former President of the Seiyukai, joined the SAITO  
19 Cabinet, and MACHIDA, who was later to become  
20 President of the Minseito, also joined several cabi-  
21 nets as Minister of State, and also in these various  
22 cabinets the various political parties sent parlia-  
23 mentary vice-ministers and parliamentary councilors.  
24 Q What was the precise relation between the  
25 cabinet and the Diet as you experienced it during



1     those years?

2             A    I cannot answer your question in a word.  
3     For instance, in the era of the party cabinets the  
4     cabinets would naturally carry out the policies of  
5     the party to which that cabinet happened to belong;  
6     but even in such cases the Diet often took an  
7     independent attitude. For instance, when the  
8     government presents the budget to the Diet the  
9     leaders of the various parties will interpolate the  
10    government on this budget in the plenary session, and  
11    after the budget has been transferred to the budget  
12    committee questions will still continue to be asked  
13    by the leaders of the various parties so that these  
14    leaders cannot blindly -- are in such a position that  
15    they cannot blindly follow the government. In Japan  
16    there is always the background of public opinion.  
17    Therefore, anything that goes contrary to public  
18    opinion cannot be put over.  
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OKADA, T.

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1 Q In actual practice were most laws initiated  
2 by the Cabinet, or did they originate in the House of  
3 Representatives?

4 A Up to the present time most of the bills  
5 have been presented by the government. But the  
6 right of Diet members to present bills is guaranteed  
7 by the constitution, and members have presented such  
8 bills from time to time. However, I regret to say  
9 that in such cases very often the House of Represen-  
10 tatives and the House of Peers found it difficult to  
11 agree.

12 Q What was the usual process of initiating  
13 laws and their passage through the House of Represen-  
14 tatives?

15 A I shall answer your present question believ-  
16 ing that it is directed to cases where the bills are  
17 presented not by the members but by the government.

18 Q Right.

19 A Whenever the government wishes to make a law  
20 the draft is drawn up in the ministry responsible for  
21 the administering of that law, for instance, let us  
22 say the Commerce and Industry Ministry. And after the  
23 draft is made it is put before a Cabinet session, and  
24 after gaining the approval of the Cabinet as a whole,  
25 if it is an important measure, it is usually sent to

OKALA, T.

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1 the Privy Council, and after being approved by the  
2 Privy Council it is finally presented to the Diet.

3 I should like to add one more word concerning  
4 the procedure in this respect. After the draft has  
5 been approved by the Cabinet it is usually sent to  
6 the Cabinet Legislation Board for a final brush-up  
7 and is then sent on to the Privy Council.

8 Q Was it infrequent or not for the Diet to  
9 adopt an Imperial Ordinance promulgated during the  
10 period in which the Diet was not in session?

11 A To explain this I shall have to explain the  
12 constitution somewhat. These extraordinary Imperial  
13 Ordinances are ordinances which cannot be lightly  
14 promulgated. The constitution stipulates that they  
15 can be promulgated only in cases affecting public  
16 safety or the prevention of national calamities. There-  
17 fore, whenever such ordinances are promulgated they  
18 are always done so with a view to having them approved  
19 by the next Diet. But there have been many, many  
20 cases where such measures have been rejected by the  
21 next session of the Diet.

22 Q Was it a practice for the Diet to fail to  
23 vote on the budget, or to refuse to bring it into  
24 actual existence? I had better reframe that question,  
25 perhaps.



OKADA, T.

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1           Was it very often that the Diet refused to  
2       vote on a budget?

3           A    I cannot answer this question briefly. The  
4       budget, it is extremely difficult for the Diet to  
5       reject the budget since the budget has to be voted  
6       upon as a whole, and since the budget includes such  
7       items as the Imperial Household budget. Therefore,  
8       when the Diet does not agree to the budget as presented,  
9       instead of rejecting it, it refuses to vote on the  
10      budget and sends it back to the government with a  
11      request that certain changes be made in the budget.  
12      This procedure has often been followed. But since the  
13      rejection of the budget usually has a very far-reaching  
14      effect, this resolution of returning the budget to the  
15      government has not often met with success. Therefore,  
16      whenever the government begins to feel that such a  
17      resolution returning the budget to the government is  
18      in danger of being passed, they will either dissolve  
19      the Diet, or it will resign before such a measure is  
20      actually passed.

21           THE MONITOR: That has been the custom in Japan.

22           Q    Was it necessary at any time for the government  
23       to utilize the budget passed by the Diet in a former  
24       year?  
25

          A    May I understand that you are referring to

OKADA, T.

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1 the article in the constitution which provides that  
2 in cases where the budget is not passed the government  
3 may use the budget of the previous year?  
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OKADA, T.

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Q That is correct.

1 A The Government has never taken such a step.  
2 Such a step has never been taken. The reason is  
3 that there is another provision in the Constitution  
4 which stipulates that in cases of urgent necessity  
5 extraordinary measures may be taken until the next  
6 session of the Diet or until the formation of a  
7 new government. This question of utilizing the  
8 budget of the previous year is something that in  
9 actuality cannot be carried out because the budget  
10 is the crystallization of all the Government's poli-  
11 cies and desires. And if that budget should be re-  
12 jected, it is inconceivable that the Government  
13 could try to use the budget of the previous year.

14 Q What authority did the Diet have with regard  
15 to public expenditures?  
16

17 A As regards this question also the Consti-  
18 tution stipulates that the expenditures of the  
19 Government must be audited by the Board of Audit.  
20 After a very strict examination by the Board of Audit,  
21 the report of this Board together with its opinions  
22 are sent to the Diet where again this matter is very  
23 fully discussed.

24 Q Was there at any time during your membership  
25 in the House a demand made by the Cabinet that



legislation be passed which was opposed by the majority of the House?

1       A    The Cabinet may not go against a Diet  
2 majority.

3       Q    What methods, if any, did the Government  
4 have with regard to urging the passage of legis-  
5 lation in the House?

6       A    Since I did not actually participate in  
7 this, I cannot say from my own personal experience;  
8 but I believe that, for instance, in the case of a  
9 Party Cabinet, there is no question. The matter is  
10 referred to the Party and discussed. In other cases  
11 the Government will take its proposed legislation  
12 to the political parties or, if there is an opposing  
13 bloc, to that opposing bloc and explain the proposed  
14 legislation and make every effort to have them  
15 approved.  
16

17       Q    In other words, the system in Japan is not  
18 unlike that in other countries as regards the Cabinet  
19 and the House of Representatives, is that true?

20       MR. COMYNS CARR: Defense counsel has offered  
21 to withdraw the question in which case I need not  
22 object to it.

23       MR. BLEWETT: It is not so important, sir.  
24 I think I will withdraw it to save time.  
25

CANADA, T.

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1 Q Well, was it or not then a collaboration  
2 between Cabinet and Diet to ascertain what type of  
3 legislation was best for the nation and, after hearings  
4 and investigations, introduce and pass this specific  
5 measure?

6 MR. COLYNS CARR: That question is obviously  
7 an extremely leading one, your Honor, in my sub-  
8 mission. Even adding the words "or not" to which  
9 my friend draws attention does not make it other  
10 than a leading question, your Honor.

11 THE PRESIDENT: I think we are wasting a lot  
12 of time on these details about the Japanese Consti-  
13 tution. I cannot see that the greater part of it  
14 has any bearing on any issue. I can well understand  
15 that the prosecution might assert and you might deny  
16 that the accused took advantage of their Constitution  
17 and their laws to promote what they have been charged  
18 with; but all this is not necessary for that purpose.

19 MR. BLEWETT: Sir, we do not admit that these  
20 matters have been proved by the prosecution; but on  
21 643 of the record it says -- Mr. Horwitz' announcement:  
22

23 "To stop the analysis at this point would  
24 be to leave the picture half-painted and give an  
25 incomplete view of the incidence of responsibility  
for governmental function and action in the Japanese

CLADA, T.

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1 State. Particularly we would be likely to fail to  
2 grasp the basic responsibility of the accused, or  
3 of the great majority of them, for the crimes with  
4 which they stand charged in the Indictment."

5 THE PRESIDENT: My remarks are directed  
6 to the prosecution's evidence as well as your's.  
7 It will be interesting to see, when we give our  
8 judgement, how far we quote the Japanese Constitution  
9 and laws.

10 MR. BLEWETT: Sir, if the Court will recall,  
11 one of the important things stressed by the prosecution  
12 was this very fact: that the budget, when it was  
13 not passed, the budget for the previous year was  
14 utilized.

15 We certainly feel, sir, that it is up to  
16 us to put proof in to substantiate that that was not  
17 so. That is our only purpose, your Honor, in calling  
18 this witness: to refute exact testimony that has been  
19 put on by the prosecution and explain that circumstance.  
20 That is what we feel our duty to be.

21 THE PRESIDENT: You would think from what we  
22 have been hearing that the question of guilt or  
23 innocence turned on the Japanese Constitution, which  
24 is nonsense.

25 MR. BLEWETT: Proof has been offered, sir,



OKADA, T.

DIRECT

1 to try to prove that these accused dominated this  
2 Cabinet and dominated the Diet. Our only endeavor  
3 is to try to show the difference in the workings of  
4 these to show the impossibility of such a thing.

5 THE PRESIDENT: Well the question is your  
6 form of question. There is no real objection, but  
7 it is pointed out it is leading. I cannot see that  
8 it is substantially leading. The objection is over-  
9 ruled if it exists.

10 We will recess until half-past one.

11 (Whereupon, at 1200, a recess was  
12 taken.)  
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## 1 AFTERNOON SESSION

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3 The Tribunal met, pursuant to recess, at  
4 1330, Major General Myron C. Cramer not sitting.

5 MARSHAL OF THE COURT: The International  
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Mr. Blewett.

8 MR. BLEWETT: Thank you, sir.  
9

- - -

10 T A D A H I K O O K A D A, called as a witness  
11 on behalf of the defense, resumed the stand  
12 and testified through Japanese interpreters  
13 as follows:

14 MR. BLEWETT: Will the Japanese stenographer  
15 please read the question back to the witness.  
16

17 THE MONITOR: Mr. Blewett, the Japanese court  
18 reporter does not have the question. It is in the copy  
19 of this morning.

20 MR. BLEWETT: Does the American stenographer  
21 have it then?

22 (Whereupon, the last question was  
23 read by the official court reporter as follows:  
24 "Well, was it or not then a collaboration between  
25 Cabinet and Diet to ascertain what type of  
legislation was best for the nation and, after

OKADA, T.

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1       hearings and investigations; introduce  
2       and pass this specific measure?"

## DIRECT EXAMINATION

BY MR. BLEWETT (Continued):

A   As you say.

Q   What was the life of a Diet under the law?

7       A   I do not quite understand what you mean by the  
8 life of the Diet. The ordinary session of the Diet  
9 is held once a year. If anything special should come up,  
10 an extraordinary session of the Diet is held for a  
11 certain specified length of time, so that the number of  
12 these sessions varies from time to time.

13       THE PRESIDENT: How often are general elections  
14 held?

15       THE WITNESS: I should like to add one word to  
16 my previous answer. The ordinary session of the Diet  
17 lasts for three months.

18       Now, as to the second question: A member of the  
19 House of Representatives is elected for four years, so  
20 that elections are held every four years -- general  
21 elections are held every four years.

22       THE PRESIDENT: Is there any provision for  
23 dissolution apart from that?

24       THE WITNESS: The dissolution of the Diet is  
25 carried out whenever the government deems it to be



OKADA, T.

DIRECT

1 necessary after first obtaining the Imperial sanction.

2 Q Well, is the ordinary life of the Diet under  
3 the constitution four years or not?

4 A The life of the Diet is everlasting.

5 Q In actual practice how many distinct sessions  
6 have been held during the years from 1928 to 1941?

7 A I have no correct recollection. However, I  
8 believe that there have been about ten Cabinet changes.

9 Q Can you tell us how many sessions of the Diet  
10 have been held during the years from '28 to '41?

11 A I have no exact recollection of the number of  
12 sessions. However, in view of the fact that a represent-  
13 ative very seldom lasted out his four years' term which  
14 he would ordinarily have, I believe that dissolutions  
15 were -- dissolutions took place fairly frequently.  
16 Secondly, as to the previous question, I answered about  
17 ten times, but I correct that to about twenty times.

18 THE PRESIDENT: What is the point of all this,  
19 Mr. Blewett?

20 MR. BLEWETT: To show there was no continuous  
21 control of the Diet, sir. As I understand it there were  
22 28 different sessions during that period of time from  
23 1928 to 1941.

24 THE PRESIDENT: Sessions are only sittings of  
25 parliament and they are universal.

OKADA, T.

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1 MR. BLEWETT: I think, sir, it might tend to  
2 show that there was disunion and dissension among  
3 the law-governing bodies of the nations during that  
4 period of time.

5 Q Do you know how many general elections were  
6 held during that period?

7 A I cannot give you a definite answer without  
8 going back and consulting various references, but I can  
9 only say that dissolutions were a very frequent occurrence.

10 Q Did the Cabinet as a rule try to override the  
11 Diet in matters affecting legislation?

12 A No, never.

13 Q Was the House of Representatives an impotent  
14 governing body and absolutely subservient to the whims  
15 of the Cabinet or not?

16 A If you consult the constitution that is a matter  
17 which can be clearly determined. Since the legislative  
18 branch in Japan is entirely independent of the  
19 government it goes without saying that it plays a very  
20 important part in the affairs of the country.

21 Q What was the determining factor in the selection  
22 of a Prime Minister during the past 15 years?

23 A That is a very difficult question for me to  
24 answer since I have neither ever received an Imperial  
25 command to form a Cabinet nor have I ever actually

OKADA, T.

DIRECT

1 formed a Cabinet. However, since it is a very important  
2 matter to form a Cabinet, and since one cannot form  
3 a Cabinet without receiving the Imperial command, the  
4 person -- correction -- whoever forms such a Cabinet  
5 must be a man of wide experience, of good health and  
6 especially of excellent character.

7 Q Can you cite any instances where the selection  
8 of a Prime Minister was forced upon the Japanese  
9 nation by the accused in this dock, acting as a concerted  
10 group unanimously?

11 A I can never imagine such a happening. To begin  
12 with, since the person appointed to form a Cabinet  
13 by the Emperor must be a man of excellent moral character,  
14 he cannot -- if he should form a Cabinet having already  
15 some preconceived ideas about forming a Cabinet that  
16 would be disloyal to the Emperor.

17 THE PRESIDENT: Can the Emperor sustain the  
18 Cabinet and thus overrule the Diet?

19 THE WITNESS: Such an event is impossible.

20 Q Is it possible under the --  
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OKADA, T.

DIRECT

1           A    May I add to my previous answer? And secondly  
2 because -- if such an event should happen it could  
3 only come as the result of a conspiracy, and public  
4 opinion would not permit of such a thing. If such a  
5 thing were to happen public opinion would rise against  
6 any such conspiracy.

7           THE MONITOR: Slight correction.

8           A    (Continuing): And such a cabinet would lose  
9 political life. Correction: And any person attempting  
10 such a thing would have to leave political life.

11           May I repeat my previous answer? Such a  
12 cabinet could not be formed. If such a cabinet were  
13 to be formed it could only come as the result of a  
14 conspiracy. Public opinion would not permit of such a  
15 conspiracy, and any would-be conspirator would have  
16 to leave public life. This would be by the pressure  
17 of public opinion, and in no way would it be necessary  
18 for the Emperor to use his power.

19           THE MONITOR: And it is needless to say that  
20 the people would have recourse to the Emperor's  
21 Imperial Order.

22           Q    Were there cabinets between the years 1928  
23 and 1945 where the political complexion varied as  
24 to the members?

25           A    I am sorry, I was unable to understand your

OKADA, T.

DIRECT

1 question. May I have it again, please?

2 Q Well now, as an example, what was the political  
3 composition of the KATSUKI Cabinet of April 14,  
4 1931?

5 A Although I am not sure, since this cabinet  
6 was a Minseito cabinet, I believe that its members  
7 were composed of the Minseito.

8 Q Take the cabinet of June 1937 and look at  
9 that chart, and tell us if you can the political  
10 composition.

11 A Does your present question refer to number  
12 33 on this chart?

13 Q Thirty-five.

14 A I believe that number 35 is the cabinet of  
15 Prince KONOYE, Fumimaro. Is that right?

16 Q That is right.

17 A This cabinet was a coalition cabinet and has  
18 no special political nature.

19 Q Did at any time between 1928 and '41 -- was  
20 there absolute control of any cabinet by any par-  
21 ticular political party?

22 A My answer may not quite be in accord with  
23 your question, but from number 31, the cabinet of  
24 SAITO, Minoru, to number 41, the cabinet of TOJO, no  
25 cabinet had a special political color. That is to

OKADA, T.

DIRECT

1 say, no political party was predominant in any of  
2 those cabinets. I correct myself. Instead of up to  
3 number 41, TOJO, I should say up to number 40, Prince  
4 KONOYE.

5 Q How many of the eleven premiers since SAITO  
6 Cabinet were army officers?

7 A Excluding TOJO there were two. HAYASHI,  
8 Senjuro and ABE, Nobuyuki.

9 Q Were these generals of the active list or not?

10 A They were not on the active list.

11 Q Do you know whether or not Baron TANAKA, who  
12 became premier, assumed that position as a repre-  
13 sentative of army influence?

14 A I could not believe that anybody would even  
15 think of such an idea. General TANAKA was asked to  
16 become president of the Seiyukai and became premier  
17 in that capacity. All the policies of his cabinet  
18 were drafted by the research committee of the  
19 Seiyukai. At the time I also was one of the senior  
20 officers of this Seiyukai. If there is anyone who  
21 should have such misgivings I should like to give the  
22 following explanation.

23 MR. COMYNS CARE: Your Honor, in my submis-  
24 sion, nobody has put forward any such proposition as  
25 far as the prosecution is concerned, and it is a mere



OKADA, T.

D I R E C T

1 waste of time to knock down a proposition which has  
2 never been set up.

3 THE PRESIDENT: I agree it is sheer waste  
4 of time. One of my colleagues raises the question  
5 about this interrogation being of a leading nature,  
6 but I am going to wait for objection to that.

7 MR. BLEWETT: It is the impression of the  
8 defense, sir, that the prosecution by implication  
9 seemed to indicate that Baron TANAKA had some sort of  
10 an aggressive plan for warfare which was followed by  
11 these accused.

12 THE PRESIDENT: There is no objection, Mr.  
13 Blewett. It was merely an intimation by Mr. Comyns  
14 Carr that you are meeting something which has never  
15 been raised, so proceed with your interrogation.  
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OKADA, T.

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MR. BLEWETT: I don't think the answer will be long, sir. You may continue, witness.

A (Continuing) I shall state my answer very briefly, then. Among the various presidents of the political parties General TANAKA was the first one who began -- who depended heavily on intensive political research within his party.

Q Do you know from your experience whether or not a cabinet minister was responsible only for his own political ministry -- particular ministry?

THE WITNESS: Mr. President, concerning the actions of General TANAKA I believe that it had a great influence upon the political history of Japan and I should like to be permitted to speak very briefly on this point.

THE PRESIDENT: Answer questions. That is all you are asked to do. As fully as you think you should; as briefly as you think you should. The Tribunal prefers brief but adequate answers. That is all I can say.

A Concerning the actions of General TANAKA as president of the Seiyukai and also as premier, he firmly believed that in view of incidents in Manchuria and of the Japanese expedition to Siberia, Manchuria was the greatest potential source of danger to the

OKADA, T

DIRECT

1 peace of East Asia and to the peace of the world, and  
2 it was his keen desire to remove this threat. It is  
3 for this reason that he sent his intimate friend,  
4 KUHARA, Fusanosuke, via Siberia to Moscow where he  
5 met Secretary General Stalin at the Kremlin. And the  
6 first object of the negotiations was to set up an  
7 unfortified autonomous area in the region of Siberia  
8 east of Lake Baikal in an area comprising Siberia east  
9 of Baikal, Manchuria and Korea, and to set up this  
10 area as a kind of buffer state. Second, that repre-  
11 sentatives from the U.S.S.R., China and Japan be  
12 appointed to supervise this state and to see that it  
13 was of a truly autonomous character. And third, to  
14 place this state in such a position that the powers  
15 of the world would have equal opportunity and equal  
16 access, right of access. In other words, the open  
17 door policy was to be followed. KUHARA, Fusanosuke  
18 was sent in the capacity of an economic envoy but  
19 TANAKA's actual intention in sending him was as I have  
20 just said. MR. KUHARA, therefore, departed for the  
21 Kremlin accompanied by the late SAITO, Hiroshi, former  
22 ambassador to the United States, and fortunately  
23 Mr. Stalin agreed to these various points which I have  
24 just stated. KUHARA upon completing his mission  
25 returned to Japan and was subsequently made Communications



OKADA, T.

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Minister. Concerning China there was a strong  
1 possibility that China would accept Japan's recommenda-  
2 tions in this regard. As I have just stated, as far  
3 as Russia was concerned Stalin agreed. But in Japan  
4 there was a strong feeling that since Korea was  
5 an integral part of Japan it would be extremely  
6 regretful to let Korea go and let her form part of  
7 this autonomous area. Therefore, General TANAKA was  
8 exerting himself to the utmost to remove this unfavor-  
9 able atmosphere in Japan but the explosion by which  
10 Chang Tso Lin was killed followed shortly thereafter,  
11 and as a result Sino-Japanese relations became very  
12 bad and this policy finally was not realized. I,  
13 myself, saw how discouraged General TANAKA was on  
14 hearing the news of the explosion by which Chang Tso  
15 Lin was killed.  
16

17 Q How long did the relations between the Diet  
18 and political parties on the one hand and the cabinet  
19 on the other continue as you stated this morning?  
20 Well, was there any change around the year 1940?

21 A 1940 is a year in which a great change in  
22 Japanese political history occurred. Mr. KUHARA,  
23 Fusanosuke and myself, in view of the external and  
24 internal situation felt it was stupid that there should  
25 be various political parties which fought against

OKADA, T.

DIRECT

1 each other sometimes merely for the sake of fighting,  
2 and this movement in favor of disbanding political  
3 parties gradually gained in strength and finally the  
4 political parties were dissolved. At this time the  
5 new structure advocated by Prince KONOYE was established  
6 and in conjunction with this movement for the forma-  
7 tion or the disbanding of the old parties and the  
8 formation of the new the Imperial Rule Assistance  
9 Association was established.

10 Q Was that a political party.

11 A That is a very pertinent question. The  
12 Imperial Rule Assistance Association was formed as  
13 of sort of body which would assist the government and  
14 would act as a medium between the government and the  
15 people, and it was intended that all the people of  
16 the nation would be members of that association.  
17 Since it was a body assisting the government those  
18 who had been in political parties felt very dis-  
19 satisfied with this new association. Therefore, in  
20 1942 the Imperial Rule Assistance Political Society  
21 was formed.

22 Q What were the aims and purpose of that organ-  
23 ization?

24 A Its object was to coordinate and unify  
25 political forces and to form a strong political force.

OKADA, T

DIRECT

1 It goes without saying that this Political Society  
2 acted independently both outside and inside the Diet  
3 and, therefore, had no connection whatsoever with  
4 the government.

5 Q Under the system of constitutional law in  
6 Japan was it possible for one, two or even five cabinet  
7 members -- it is a long question. Do you want to take  
8 it partly or shall I read the whole question, Language  
9 Section?

10 THE MONITOR: Yes, please.

11 Q Under the system of constitutional law in  
12 Japan was it possible for one, two or even five cabinet  
13 members serving in the same or varying cabinets to  
14 have perfected and executed a plan to control, dominate  
15 and direct the entire internal and foreign policy of  
16 Japan toward the domination of other places in East  
17 Asia and the world?

18 MR. COMYNS CARR: We object to that, your Honor.

19 THE PRESIDENT: Objection allowed.

20 MR. BLEWETT: Cross-examine. Your Honor,  
21 perhaps I should inquire if any other defense counsel  
22 has any other examination before the cross.

23 THE PRESIDENT: If so he should precede  
24 Mr. Carr.

25 MR. BLEWETT: Does any defense counsel  
desire to examine the witness?



OKADA, T.

CROSS

1 THE PRESIDENT: Mr. Comyns Carr.

2 MR. COMYNS CARR: I have only a very few  
3 questions, your Honor.

4 CROSS-EXAMINATION

5 BY MR. COMYNS CARR:

6 Q Mr. OKADA, would it be true to say that from  
7 the formation of the HAYASHI Cabinet in February 1937  
8 there was no leader of a political party who was a  
9 member of a cabinet from that time on?

10 A I believe I stated in my previous examination  
11 that -- on direct examination that there were members  
12 of political parties -- there were leaders of politi-  
13 cal parties who held cabinet positions during that  
14 period.

15 Q Who were they?

16 A Mr. President, may I consult the previous  
17 chart?

18 (Whereupon, exhibit 2344 was  
19 handed to the witness.)

20 MR. COMYNS CARR: Your Honor, I am told that  
21 the witness is making observations which appear to  
22 excite amusement in some parts of this room which  
23 are not being translated by the translation section.  
24 I think we ought to know what they are.

25 THE PRESIDENT: I was about to observe that

OKADA, T.

CROSS

1 I heard no English translation of several things he  
2 said which were followed by laughter. The translators  
3 or the interpreters must tell us everything they have  
4 heard in Japanese; they must tell us in English what  
5 they heard in Japanese. Please do so.

6 THE WITNESS: I shall answer.

7 THE PRESIDENT: I am speaking now to the  
8 translator or interpreter.

9 THE MONITOR: Mr. President, on one occasion  
10 the question was put forth to the witness and the  
11 monitor reframed the question. Then the witness  
12 asked in what capacity the question was put to him.  
13 So the interpreter misunderstood the witness and  
14 answered the witness: "This is the interpreter ques-  
15 tioning, or did the reframing," and the witness was  
16 asking who was questioning him. In other words, he  
17 was referring to the prosecutor which was translated  
18 into Japanese.

19 THE PRESIDENT: We accept that explanation.  
20 But you must tell us in English all you hear in  
21 Japanese from the witness or from counsel or from  
22 the Court.

23 Q Now, will you tell us who were the political  
24 leaders who held office after February 1937?

25 A In the HAYASHI Cabinet, YAMAZAKI, Tatsunosuke.

OKALA, T.

CROSS

1 He was a member of the Seiyukai. In the KONOYE  
2 Cabinet, NAGAI, Ryutaro, of the Minseito, NAKAJIMA,  
3 Chikuhei, of the Seiyukai.

4 Q Will you tell us what offices they held.

5 A YAMAZAKI, Tatsunosuke, was Minister of Com-  
6 munications, NAKAJIMA, Chikuhei, was Minister of  
7 Railways, and NAGAI, Ryutaro, was Minister of Com-  
8 munications. There are a few others. Shall I leave  
9 it at that?

10 Q Were there any in any subsequent cabinet?

11 A AKITA, Kiyoshi, Welfare Minister in the ABE  
12 Cabinet, NAGAI, Ryutaro, Railway Minister in the same  
13 cabinet. In the Third KONOYE Cabinet, OGAWA, Gotaro --  
14 correction: In the Second KONOYE, Fumimaro, Cabinet,  
15 OGAWA, Gotaro, Minister of Railways. He was of the  
16 Minseito. In the same cabinet KANEMITSU, Yasuo, of  
17 the Seiyukai was Minister of Welfare. I may have  
18 failed to notice a few others, but I believe that  
19 covers almost all of them.

20 Q Now, tell me about the dissolution of the  
21 political parties in 1940. You said that the members  
22 of the parties were dissatisfied when that happened.  
23 Why, then, did they dissolve?

24 A I believe your question arises from a misun-  
25 derstanding. The members of the political parties



OKADA, T.

CROSS

1 were all in favor of dissolution. But after the  
2 Imperial Rule Association was formed they were dis-  
3 satisfied with that organization. Correction on the  
4 last part of the previous statement: The members of  
5 the political parties were in favor of dissolution,  
6 but after the dissolution no strong political party  
7 emerged and only the Imperial Rule Assistance Associa-  
8 tion was formed. It was at this that they were dis-  
9 satisfied.

10 THE PRESIDENT: We will recess for fifteen  
11 minutes.

12 (Whereupon, at 1445, a recess was  
13 taken until 1500, after which the proceedings  
14 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

## CROSS-EXAMINATION

3  
4 BY MR. COLYNS CARR (Continued):

5 Q Mr. OKADA, when, as you told us just now,  
6 the political parties were dissatisfied with the  
7 Imperial Rule Assistance Association did they reform  
8 the political parties?

9 THE PRESIDENT: He did not hear any of that  
10 in English or in Japanese. Repeat it in Japanese.

11 (Whereupon, the question was  
12 repeated in Japanese.)

13 A It is better that I explain from my side.  
14 In accordance with the wish of the government to dis-  
15 solve the political parties, the political parties were  
16 dissolved, and at the same time -- as I stated, about  
17 this time KUHARA and OKADA began a movement for the  
18 dissolution of the political parties, and around the  
19 same time Prince KONOYE came down to Tokyo from  
20 Karuizawa with a new idea of establishing a so-called  
21 new structure. These two movements -- these two ways  
22 of thinking gave birth to the Imperial Rule Assistance  
23 Association. Thus, the Imperial Rule Assistance  
24 Association was formed, its original object being  
25 that all the members of the nation should be its

1 members and to assist the various functions of the  
2 government. But since that did not completely corre-  
3 spond to the -- since that did not completely satisfy  
4 the desire of the political parties in dissolving  
5 themselves and in trying to form a strong, new political  
6 force they were dissatisfied. I believe that is a  
7 sufficient explanation. Have you understood from  
8 that?

9 Q Do you realize you haven't answered the  
10 very simple question?

11 A What is the question, please? What do you  
12 mean by that?

13 Q The question was, when the members of the  
14 political parties were dissatisfied with the Imperial  
15 Rule Assistance Association did they reform the  
16 political parties?

17 A No, they did not reform their political  
18 parties. When these people who had advocated a  
19 movement for a new political party saw that the  
20 Imperial Rule Assistance Association was not what  
21 they had wanted they were dissatisfied, and, in order  
22 to meet this demand, in 1942 the Imperial Rule  
23 Assistance Political Society was formed.

24 Q Did you not tell me just now that a member  
25 of the Minseitō Party was a minister in KONOYE's



OKADA, T.

CROSS

Cabinet?

A I shall reframe my answer. I shall state it this way. They were former members of the Minseito Party.

Q Now, were you the Director of the Imperial Rule Assistance Association?

A Yes, I was.

Q When it was first formed?

A Yes, I was the President of the Association.

THE MONITOR: Yes, I was the Director of the Imperial Rule Assistance Association.

Q When it was first formed?

A I was one of the directors at the time it was formed.

Q Did you afterwards become president?

A Never. I have never become president.

Q Earlier in your career had you become director of the police bureau?

A Yes, I have.

Q Isn't it true to say that the political parties were dissolved because they were afraid of what would happen to them if they didn't?

A What do you mean by, "they were afraid of what was going to happen if they didn't dissolve themselves"?

THE MONITOR: May I question you on this:

1 Concerning your question when you say they were  
2 afraid of what might happen, what do you mean by  
3 "what"?

4 Q Please answer the question.

5 MR. BLEWETT: If your Honor please, it  
6 doesn't seem conceivable that the witness could  
7 answer such a broad question.

1           A    The question of what would happen is  
2 indeed a very broad one and I shall not be able to  
3 answer that question without understanding the meaning  
4 of it; but, if when we dissolved it was because we  
5 felt from the bottom of our hearts that we would not  
6 be able to surmount the internal and external situa-  
7 tion if the situation of that time in which political  
8 parties were fighting among themselves were to con-  
9 tinue and it was not because we were afraid of what  
10 might happen.

11           Q    Was there an election of a Diet in April  
12 1937?

13           A    What year of Showa, please?

14           THE MONITOR: Twelfth year of Showa.

15           THE WITNESS: Yes, there was.

16           Q    When was the next one?

17           A    I believe the next election was the one that  
18 was held recently.

19           Q    Was there not one in March 1942?

20           A    Yes, there was.

21           Q    Were you not a member of the committee  
22 organizing that on behalf of the government?

23           A    I was not a member of any government committee.  
24 I had no connection with the government at that time.

25           Q    Was it a committee of the Imperial Rule



1 Assistance organization?

2 A Yes, I was.

3 Q Were you elected on that occasion to the  
4 Diet?

5 A Yes.

6 Q And became president of the lower house?

7 A Yes, yes.

8 Q Now I think the only other thing I need  
9 ask you is this: You spoke of some agreement which  
10 you said had been reached between an emissary of  
11 General TANAKA and the Soviet Union. Can you produce  
12 any document to prove that statement?

13 A I have no document. Since these were  
14 secret negotiations it was impossible that there  
15 should be any document concerning these negotiations  
16 but I believe the point is clear since there are  
17 living witnesses, one KUHARA, Fusanosuke in Japan  
18 and one Stalin in Russia.

19 Q And all you knew about it is what this man  
20 KUHARA told you, is it?

21 A No.

22 Q What else did you know?

23 A I heard of this from General TANAKA during  
24 his lifetime and also from KUHARA who was one of my  
25 most intimate friends. I have a request of the

1 President.

2 I stated that the death of Chang Tso-lin  
3 was in the third year of Taisho, which is 1914,  
4 but may I have that corrected to 1928?

5 REDIRECT EXAMINATION

6 BY MR. BLEWETT:

7 Q Mr. OKADA, in answer to a question by  
8 Mr. Comyns Carr, you said that the dissolution of  
9 the political parties was sponsored by KUHARA and  
10 OKADA himself. I am informed by Japanese counsel  
11 that through a mistake of the interpreter your  
12 words were rendered as follows: "The dissolution  
13 of parties was moved or initiated by the government."

14 A I never said such a thing.

15 Q Was your answer then that the dissolution  
16 of the political parties was sponsored by KUHARA  
17 and OKADA?

18 A Yes, as you say.

19 MR. COMYNS CARR: If it is suggested that  
20 there has been a mistranslation, the proper thing in  
21 my submission is to have that checked by the trans-  
22 lators, not to put to the witness some other transla-  
23 tion suggested by somebody else.

24 THE PRESIDENT: Where is the check to be  
25 found? In the Japanese court reporter's notes.

1 MR. BLEWETT: I submit, sir, that inasmuch  
2 as the witness is still on the stand he could clear  
3 this up probably better than anybody else for all of  
4 us.

5 THE PRESIDENT: The Japanese court reporter  
6 can tell us what the question was and what the  
7 answer was. Will the Japanese court reporter tell  
8 us what the question was and what the answer was and  
9 will the translator into English tell us what the  
10 English is?

11 JAPANESE COURT REPORTER: Mr. President,  
12 I regret that this part was taken by the previous  
13 court reporter so that we would have to refer the  
14 matter to the court reporters' room.

15 THE PRESIDENT: I do not think we should  
16 wait for that. Surely there is some way of straighten-  
17 ing this out on re-examination.

18 MR. BLEWETT: I think so, sir.

19 THE PRESIDENT: Ask him what answer he actual-  
20 ly gave to that question.

21 THE MONITOR: The court reporter says that  
22 he found the place, Mr. President.

23 (Whereupon, the answer read back  
24 by the Japanese court reporter was interpreted  
25 as follows:)



1 "A It would be quicker if I explained that  
2 matter from my side. In other words, opinion for the  
3 dissolution of political parties was voiced and  
4 political parties complied with this opinion; and  
5 then, as I said before, KUFARA and OKADA advocated  
6 first the dissolution of the Diet and not the govern-  
7 ment, and thus the political parties were dissolved.

8 MR. COMYNS CARR: Your Honor, might I suggest  
9 that this is -- I am sorry I may have been the cause  
10 of it, but this is a waste of time. The most convenient  
11 method is to let the language section, when they have  
12 found the passage and Major Moore has verified the  
13 translation, report on it tomorrow morning. What I  
14 was objecting to was an attempt to correct it by means  
15 of a leading question in re-examination.

OKADA, T.

REDIRECT

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1 THE MONITOR: Mr. Comyns Carr, the question  
2 which was raised by the defense counsel was the  
3 passage which we translated a few minutes ago.

4 MR. BLEWETT: Sir, may I ask the witness  
5 one question?

6 THE PRESIDENT: We were told that the  
7 Japanese Court Reporter had found the question and  
8 the answer. It occurred to me that it would be a  
9 simple thing to repeat them and to have them trans-  
10 lated into English. There would be no occasion for  
11 any reference to the Language Board or for any delay.  
12 Delay involves adjourning your re-examination perhaps.  
13 I understand that we have now the exact answer given  
14 as has been stated in Japanese and repeated in  
15 English and the responsibility for the particular  
16 action was assigned to two individuals and not the  
17 government. Do you wish to re-examine on that?

18 MR. BLEWETT: Just one more question on  
19 Comyns Carr.

20 Q Mr. OKADA, what was this police position  
21 that you held on which you responded to a question  
22 by the prosecution?

23 A I was Director of the Police Bureau in  
24 the YAMAMOTO Cabinet which held office at the time  
25 of the Great Earthquake in Tokyo.

CKADA, T.

REDIRECT

1 Q You mean 1923, was that the year of the  
2 earthquake?

3 A Yes, as you say.

4 THE PRESIDENT: Mr. Blewett, I am told by  
5 a colleague that you put a question that was not  
6 answered. Shortly, it was whether each cabinet  
7 minister was responsible only for his own ministry  
8 or whether he shared responsibility for other  
9 ministries with the whole cabinet.

10 MR. BLEWETT: The witness answered the  
11 question, sir.

12 THE PRESIDENT: Well, I understand my  
13 colleague would like an answer. That is the con-  
14 struction I put on his message to me, that he had  
15 better give an answer.

16 I will repeat it as you put it. Were the  
17 cabinet ministers responsible only for their own  
18 ministry or for the gestures of the whole cabinet?

19 MR. BLEWETT: Shall I ask the question, sir,  
20 in the same form as previously?

21 THE PRESIDENT: Well, if you can improve  
22 on the form, do so. I do not think it is so clear.  
23 It is not easy to express clearly.

24 MR. BLEWETT: I asked the witness, sir:  
25

Q Do you know from your experience if a cabinet



OKADA, T.

REDIRECT

1 minister was responsible only for his own particular  
2 ministry?

3 A I shall reply to your question clearly  
4 in two parts. Cabinet members have collective  
5 responsibility. Therefore, every member of the  
6 cabinet from the Prime Minister down is responsible  
7 for the decisions of the cabinet as a whole. There-  
8 fore, whenever a cabinet fails to agree, the  
9 Prime Minister has often offered the resignation  
10 of his entire cabinet on the ground of internal  
11 dissension. But concerning the second point, aside  
12 from a few ministers without portfolio, each minister  
13 of state is also in charge of an administrative  
14 department of the government, is head of that  
15 ministry. Therefore, when any policy which has  
16 to do specifically with any certain ministry is to  
17 be carried out, or when anything occurs as a result  
18 of such policies, that minister, that particular  
19 minister must bear responsibility as head of that  
20 administrative department.

21 Q What is your meaning of the word "responsi-  
22 bility" in this connection?

23 THE PRESIDENT: We assume he gives it  
24 its ordinary meaning. There is no reason to suspect  
25 that he gives it a special meaning.

OKADA, T.

REDIRECT

1 MR. BLEWETT: If your Honor pleases, I have  
2 been informed and I have looked it up quite care-  
3 fully, the word "responsibility" connotes a slightly  
4 different meaning -- quite a different meaning than  
5 it does in English as regards the Japanese. I re-  
6 ferred the Court to that word in the first TOJO  
7 interrogation at the time of the presentation of  
8 the first TOJO interrogation, sir. This might be  
9 a good opportunity to ascertain exactly what is  
10 meant by that word by the Japanese.

11 THE PRESIDENT: We must trust the inter-  
12 preter, the monitor and the Board of Referees to  
13 give us the right English word or words.

14 MR. BLEWETT: I think the word has been  
15 interpreted perhaps correctly, but it is a difference  
16 of meaning between what the Japanese may have in  
17 mind by that, whatever word they use for that, and  
18 the English word "responsibility."

19 THE PRESIDENT: We have heard what you have  
20 to say, Mr. Blewett, and we will consider the matter.  
21 That is all I can say.

22 MR. BLEWETT: If the Tribunal please, we  
23 ask leave to recall this witness if we find it  
24 expedient or necessary to do so in a later phase of  
25 the case.

OKADA, T.

1 THE PRESIDENT: Is there any objection?

2 MR. TAVENNER: Your Honor, in view of the  
3 fact that we are working on the question of rules,  
4 we raise no objection at this time.

5 THE PRESIDENT: The Court, of course, may  
6 decide not to hear him further, but subject to that  
7 we give you leave. But that applies in all cases.  
8 We never lose control. That is the position. You  
9 may call him again to give evidence which we think  
10 is, say, repetitive; and then we would not hear it.

11 MR. BLEWETT: Our only purpose, sir, is  
12 to present the evidence in as orderly manner as  
13 possible, and that is our only reason for asking  
14 for the request.

15 THE PRESIDENT: We appreciate that, Mr.  
16 Blewett. We allowed the prosecution to do it.

17 MR. BLEWETT: Thank you, sir.

18 THE PRESIDENT: And you will get as much  
19 consideration as they did.

20 MR. BLEWETT: The defense will now call as  
21 a witness MITARAI, Tatsuo, who will be examined in  
22 chief by Mr. OKAMOTO, attorney for General MUTO.

23 THE PRESIDENT: This witness is released  
24 on the usual terms.

25 (Whereupon, the witness was excused.)



MITARAI

DIRECT

1 MR. S. OKAMOTO: I ask to call the witness  
2 MITARAI, Tatsuo.

3 - - -

4 T A T S U O M I T A R A I, called as a witness on  
5 behalf of the defense, being first duly sworn,  
6 testified through Japanese interpreters as  
7 follows:

8 DIRECT EXAMINATION

9 BY MR. S. OKAMOTO:

10 Q Please give your name.

11 A MITARAI, Tatsuo.

12 Q Where do you live?

13 A In Ohara Machi, Chiba Prefecture.

14 Q Please give me a brief summary of your  
15 personal history.

16 A I became a reporter on the staff of Hochi  
17 Shimbun in 1917, and I was working as such for thirty  
18 years.

19 Q Please, would you give a few more details?

20 A I remained with the Hochi Shimbun until the  
21 third year of Showa, that is, until 1928. Then I  
22 became editor-in-chief of the Maiyu Shimbun in Tokyo  
23 in the same year, where I remained until the seventh  
24 year of Showa, that is, 1932, when I became editor of  
25 the Kokumin Shimbun. Then, in 1936, I became vice-

MITARAI

DIRECT

1 president of Keijo Nippo, and in 1939 I became  
2 president of the same paper, and in 1943 I became  
3 editor-in-chief of the Tokyo Shimbun. At present  
4 I am president of International Special Feature Ser-  
5 vice Agency and adviser of the Hochi Shimbun.

6 Q Did you make any special investigations  
7 during that period?

8 THE MONITOR: Study.

9 A I have specialized in the study of the  
10 political history in the Meiji, Taisho and Showa  
11 Eras, and I am publishing results of my studies in  
12 newspapers and in magazines.

13 THE MONITOR: I have published.

14 Q What is your pen name?

15 A I have several pen names.

16 Q Your pen name as a political commentator.

17 A I have several names as a political commen-  
18 tator, too, but the one which I most frequently use is  
19 Jonaninshi.

20 Q Have you ever contributed to any leading  
21 Tokyo magazine under that pen name?

22 A Yes, I have.

23 Q What kind of contribution did you make?

24 A One of them is the Bungeishunju.

25 Q What was the name of your article?

MITAHAI

DIRECT

1           A    It may be called -- its overall title might  
2   be called "Inside Story of the Political Circles."  
3   But, as my articles have been carried by the maga-  
4   zine for the past ten years in series form, the name  
5   varied each time it was published.

6           Q    Was that a famous series of articles?

7           A    It is rather awkward for me to answer that  
8   question.

9           Q    Can you state how many cabinets fell be-  
10   tween the period 1932 -- April, 1932 to April, 1945  
11   and what was the reason for the fall of each cabinet  
12   -- from July, 1929 to April, 1945?

13          A    I believe I can. However, as I don't know  
14   what you are going to ask me, there may be some ques-  
15   tions to which I shall not be able to answer.

16          Q    I question you on the reasons for the fall  
17   of each cabinet.

18          A    Yes, I can.

19          Q    How did you gain your information concerning  
20   the fall of these cabinets?

21          A    As it is my profession, I have made studies  
22   personally with the people concerned. As I have  
23   collected all kinds of documents and also collected  
24   information through my colleagues or through my men,  
25   I believe that I can give nearly exact answers.



MITARAI

DIRECT

1 Q First, within that specified time, how  
many cabinets fell?

2 A Seventeen cabinets fell.

3 Q Can you give the names of the cabinets that  
4 fell, giving the name of the Prime Minister?

5 A They were: TANAKA Cabinet, HAMAGUCHI  
6 Cabinet, WAKATSUKI Cabinet, INUKAI Cabinet, SAITO  
7 Cabinet, OKADA Cabinet, HIROTA Cabinet, HAYASHI  
8 Cabinet, the first KONOYE Cabinet, the HIRANUMA  
9 Cabinet, the ABE Cabinet, the second KONOYE Cabinet  
10 and the third KONOYE Cabinet, TOJO Cabinet, KOISO  
11 Cabinet, and SUZUKI Cabinet.  
12

13 Q Wasn't there a YONAI Cabinet among them?

14 A Yes, I overlooked it.

15 Q Where does that come in?

16 A That should be inserted between the ABE  
17 Cabinet and the second KONOYE Cabinet.

18 Q Since the KOISO Cabinet fell in April,  
19 1945, I intended my question to cover only the cabin-  
20 ets up to the KOISO Cabinet.

21 A Then, it would be, from the TANAKA Cabinet  
22 up to then there were sixteen cabinets. However, if  
23 there was one prior to the TANAKA Cabinet -- which  
24 was resigned prior to the TANAKA Cabinet -- if that  
25 one was included, that would make seventeen.

MITARAI

DIRECT

1 Q Didn't you include the SUZUKI Cabinet at  
2 the very end?

3 A If the SUZUKI Cabinet is included, the total  
4 would be eighteen.

5 Q Then do you mean there were sixteen cabin-  
6 ets from the TANAKA Cabinet to the KOISO Cabinet?

7 A Yes, sixteen.

8 THE PRESIDENT: We will adjourn until half-  
9 past nine tomorrow morning.

10 (Whereupon, at 1600, an adjourn-  
11 ment was taken until Wednesday, 5 March  
12 1947, at 0930.)

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